

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

STEVEN E. SLAWSON,

Defendant.

:
:
:
:
:
:
:
:

CRIMINAL ACTION NO.
1:14-CR-186-RWS

ORDER

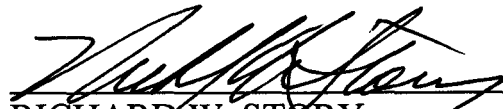
This case is currently before the Court on Defendant's Motion for Leave to Serve a Trial Subpoena by Alternative Means [92].

Defendant asks the Court to permit service of a trial subpoena by alternative means under Federal Rule of Civil Procedure 4, citing the "critical importance of the witness's testimony and the last minute notification of the witness's relevance." (*Id.* at 1.) Defendant claims that a letter sent by the Government on Thursday, July 30, 2015, disclosed a "critical witness for the defense": a witness who was unable to be served through traditional methods prior to his leaving the country on July 31, 2015. (*Id.* at 2.) Defendant now requests leave to subpoena the witness via email.

Federal courts in this Circuit and elsewhere have consistently authorized service via email pursuant to Rule 4(f)(3). See, e.g., TracFone Wireless, Inc., v. Bitton, 278 F.R.D. 687, 692 (S.D. Fl. 2012); In re Int'l Telemedia Assoc., Inc., 245 B.R. 713, 721 (Bkrcty. N.D. Ga. 2000). See also Rio Properties, Inc. v. Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002). Especially in this case, given the subject of the subpoena's prior communication with counsel via email, this method is reasonably calculated to provide the subject with real notice.

Accordingly, Defendant's Motion for Leave to Serve a Trial Subpoena by Alternative Means [92] is **GRANTED**.

SO ORDERED this 31st day of July, 2015.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE